

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**ORDER GRANTING PLAINTIFF LEAVE TO PROCEED IN FORMA PAUPERIS AND
DIRECTING PLAINTIFF TO PAY AN INITIAL PARTIAL FILING FEE**

Plaintiff, who currently is confined in the Jefferson City Correctional Center, in Jefferson City, Missouri, has filed *pro se* this civil action pursuant to 28 U.S.C. § 2671. Plaintiff has moved for leave to proceed *in forma pauperis* without the prepayment of court fees or costs. He has submitted an affidavit of poverty in support thereof.

Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff must pay the full \$350.00 filing fee in this civil action. *See In re Tyler*, 110 F. 3d 528, 529-30 (8th Cir. 1997) (under Prison Litigation Reform Act, prisoners are responsible for filing fees the moment a civil action is filed). If granted leave to proceed *in forma pauperis*, Plaintiff is entitled to pay the filing fee over time through the payment of an initial partial filing fee to be assessed by the court under 28 U.S.C. § 1915(b)(1) and/or through periodic payments from Plaintiff's inmate trust fund account as authorized in 28 U.S.C. § 1915(b)(2).

Pursuant to 28 U.S.C. § 1915(b)(1), the court is required to assess and, when funds exist, collect an initial partial filing fee of twenty percent of the greater of the average monthly deposits or the average monthly balance in the prisoner's account for the six months immediately preceding the date of the filing of a civil action. Having reviewed Plaintiff's inmate account statement,

Plaintiff will be required to pay an initial partial filing fee of \$5.03 (\$151.00 total deposits ÷ 6 months x 20 %). If Plaintiff pays the initial partial filing fee, the remainder of the \$350.00 filing fee will be automatically deducted from Plaintiff's inmate account in periodic payments pursuant to 28 U.S.C. § 1915(b)(2).

Accordingly, it is **ORDERED** that:

- (1) Plaintiff is granted leave to proceed *in forma pauperis*;
- (2) Plaintiff shall pay to the clerk of the court for the Western District of Missouri, an initial partial filing fee of \$5.03; and
- (3) Plaintiff's failure to pay the required initial partial filing fee on or before November 22, 2021, will result in the dismissal of this case without further notice.

/s/ Stephen R. Bough
STEPHEN R. BOUGH
UNITED STATES DISTRICT JUDGE

Dated: November 8, 2021